

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

JEREMY WIGLEY,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

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NO: 6:21-CV-00901-ADA-DTG

PLAINTIFF'S RULE 26(a)(2) EXPERT DISCLOSURES

TO: Defendant UNITED STATES OF AMERICA by and through its counsel of record, Robert Green, U. S. ATTORNEY'S OFFICE, 601 NW Loop 410, Suite 500, San Antonio, Texas 78216.

COMES NOW, **JEREMY WIGLEY**, Plaintiff herein, and serves this, his Rule 26(a)(2)

Expert Disclosures.

Respectfully submitted,

WENHOLZ | DOW P.C.
9433 Bee Caves Rd., Ste. 1-200
Austin, Texas 78733
(512) 478-2211
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By: /s/ J. Luke Dow
J. Luke Dow
Texas Bar No. 00793636
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**ATTORNEYS FOR PLAINTIFF
JEREMY WIGLEY**

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2022, a true and correct copy of the foregoing document was served to all counsel and parties of record according to the Federal Rules of Civil Procedure.

Robert Green robert.green3@usdoj.com
U. S. ATTORNEY'S OFFICE
601 NW Loop 410, Suite 600
San Antonio, TX 78216

/s/ J. Luke Dow

J. Luke Dow

RULE 26(a)(2) EXPERT DISCLOSURES

- 26(a)(2)(B) Unless otherwise stipulated or ordered by the court, this disclosure must be accompanied by a written report – prepared and signed by the witness – if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as the party’s employee regularly involve giving expert testimony. The report must contain:
- (i) A complete statement of all opinions the witness will express and the basis and reasons for them;
 - (ii) The facts or data considered by the witness in forming them;
 - (iii) Any exhibits that will be used to summarize or support them;
 - (iv) The witness’s qualifications, including a list of all publications authored in the previous ten (10) years;
 - (v) A list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition; and
 - (vi) A statement of the compensation to be paid for the study and testimony in the case.

RESPONSE:

None.

- 26(a)(2)(C) Unless otherwise stipulated or ordered by the court, if the witness is not required to provide a written report, this disclosure must state:
- (i) The subject matter on which the witness is expected to present evidence under Federal Rule of Evidence 702, 703 or 705; and;
 - (ii) A summary of the facts and opinions to which the witness is expected to testify.

RESPONSE:

Non-retained experts:

Plaintiff identifies the following non-retained persons from whom Plaintiff may elicit testimony from at trial under FRE 702, 703, or 705. They may be called at the time of trial to testify regarding FRE 702, 703, or 705 evidence concerning their credentials, causation, the Plaintiff’s medical condition, treatment, diagnosis and opinions based upon a reasonable degree of medical certainty. Any one or more of the following expert witnesses were health care providers who treated Plaintiff who are being designated as non-retained experts in this case.

Plaintiff may call the following non-retained experts to testify at trial. Said testimony may be given in person, by deposition, or by their medical records pursuant to *Tex. Civ. Prac. & Rem. Code* § 18.001. The experts identified below may testify about the health care provided to Plaintiff and may also testify on the following subjects and/or express the opinions enumerated below. In so testifying, the listed treating physicians and/or their custodian(s) of records will rely upon their medical records, notes and results of any lab tests including blood tests, x-rays and other diagnostic procedures as well as their experience, education and training in the course of their testimony.

These non-retained experts may testify concerning:

- the injuries Plaintiff sustained as a result of the incident made the basis of this lawsuit;
- that the incident was a cause of Plaintiff's injuries;
- the diagnoses and prognoses of Plaintiff's condition;
- the treatment they provided to Plaintiff;
- that Plaintiff suffered pain and limitations in the past;
- that Plaintiff may suffer pain and incapacity in the future;
- that the services provided to Plaintiff were medically necessary;
- that the charges for the medical services were reasonable at the time and place they were provided;
- that Plaintiff may or will require medical treatment in the future; and
- the reasonable charges for any future necessary medical services.

The experts listed below are health care providers. None of these experts have been retained by Plaintiff or his lawyers and neither Plaintiff nor his lawyers have control of these individuals:

<p style="text-align: center;"><u>NON-RETAINED EXPERT</u> <u>PLAINTIFF'S HEALTH CARE PROVIDER AND</u> <u>THE CUSTODIANS OF MEDICAL RECORDS</u> <u>AND BILLS</u></p>
<p>St. David's Georgetown Emergency Center and the Custodian of Medical & Billing Records Various Healthcare Providers 2000 Scenic Drive Georgetown, TX 78626 512-943-3000</p>
<p>Longhorn Emergency Medical Assoc., PA And the Custodian of Billing Records P. O. Box 638761 Cincinnati, OH 46563 888-952-6772</p>

<p align="center"><u>NON-RETAINED EXPERT</u> <u>PLAINTIFF'S HEALTH CARE PROVIDER AND</u> <u>THE CUSTODIANS OF MEDICAL RECORDS</u> <u>AND BILLS</u></p>
<p>Baylor Scott & White Clinic and the Custodian of Medical & Billing Records Various Healthcare Providers 2401 South 31st Street Temple, TX 76508 254-724-2111</p>
<p>Espinoza Chiropractic and the Custodian of Medical & Billing Records Various Healthcare Providers Arturo Espinoza, D.C. Abiel Gonzalez, D.C. 1929 Payton Gin Road, Suite E Austin, TX 78757 512-302-4779</p>
<p>Longhorn Imaging Center and the Custodian of Medical & Billing Records Douglas K. Smith 2745 Bee Caves Road, Suite 102 Austin, TX 78746 512-444-8900</p>
<p>ARA Diagnostic Imaging and the Custodian of Medical & Billing Records Various Healthcare Providers P. O. Box 4099 Austin, TX 78765-4099 512-519-3443</p>
<p>Capitol Pain Institute and the Custodian of Medical & Billing Records Renee E. Doll, M.D. 2500 W. William Cannon Drive #401 Austin, TX 78745 512-467-7246</p>

<p align="center"><u>NON-RETAINED EXPERT</u> <u>PLAINTIFF'S HEALTH CARE PROVIDER AND</u> <u>THE CUSTODIANS OF MEDICAL RECORDS</u> <u>AND BILLS</u></p>
<p>Touchstone Medical Imaging and the Custodian of Medical & Billing Records Micheal Gilbert 15808 RR 620 North Suite 110 Austin, TX 78717 512-454-9597</p>
<p>Orthopaedic Specialists of Austin and the Custodian of Medical & Billing Records Andrew Ebert, M.D. Robert Josey, M.D. 4611 Guadalupe Street, Suite 200 Austin, TX 78751 512-476-2830</p>
<p>Preferred Imaging and the Custodian of Medical & Billing Records Ami Patel, M.D. 711 W. 38th Street, Suite B-1 Austin, TX 78705 512-420-0000</p>
<p>Center for Specialty Surgery and the Custodian of Medical & Billing Records Various Healthcare Providers 8015 Shoal Creek Boulevard #100 Austin, TX 78757 512-584-8410</p>
<p>Results Physiotherapy and the Custodian of Medical & Billing Records Various Healthcare Providers 1600 W. 38th Street, Suite 132 Austin, TX 78731 512-348-2515</p>

These non-retained expert's opinions are believed to be contained in his or her records which have been previously produced in connection with this litigation. The summary of the facts and opinions to which the health care providers identified herein and/or the custodians of records and bills is expected to give testimony is contained in their medical records and bills listed below (and including any updated or amended assemblies of Plaintiff's medical records and bills, which are also incorporated herein by reference):

1. Medical Bills and Records – St. David's Georgetown
2. Medical Bills – Longhorn Emergency Med. Assoc., PA
3. Medical Bills and Records –Baylor Scott & White
4. Medical Bills and Records – Espinoza Chiropractic
5. Medical Bills – ARA Diagnostic Imaging
6. Medical Bills and Records – Capitol Pain Institute
7. Medical Bills and Records – Touchstone Medical Imaging
8. Medical Bills and Records – Orthopaedic Specialists of Austin
9. Medical Bills and Records – Preferred Imaging
10. Medical Bills and Records – Center for Specialty Surgery of Austin
11. Medical Bills and Records – Results Physiotherapy

In addition, these health care providers and the custodians of medical records and bills are expected to give testimony as to Plaintiff's past medical bills and future medical estimated expenses, including but not limited to the following:

Plaintiff's past medical expenses are as follows:

<u>Medical Expenses:</u>	<u>BILLED</u>	<u>PAID</u>	<u>DUE</u>
	\$103,285.56	\$ 318.96	\$102,613.15
St. David's G'town	\$ 3,513.00	\$ 0.00	\$ 1,396.00
LEMA	\$ 1,152.00	\$ 0.00	\$ 1,152.00
Baylor S&W	\$ 1,351.80	\$ 318.96	\$ 796.39
Espinoza Chiropractic	\$12,085.00	\$ 0.00	\$12,085.00
ARA Diagnostic Imaging	\$ 30.00	0.00	\$ 30.00
Capitol Pain Institute	\$23,539.29	\$ 0.00	\$23,539.29
Touchstone Imaging	\$ 1,951.00	\$ 0.00	\$ 1,951.00
Ortho. Specialists of Austin	\$ 1,386.63	\$ 0.00	\$ 1,386.63
Preferred Imaging	\$ 4,740.00	\$ 0.00	\$ 4,740.00
Center for Spec. Surgery	\$45,138.84	\$ 0.00	\$45,138.84
Results Physiotherapy	\$ 8,398.00	\$ 0.00	\$ 8,398.00

In addition to the non-retained health care providers identified above, the following individuals may be called to testify in person, by deposition, or by the business records maintained by them concerning the investigation of the subject incident, including fault and causation. These individuals will rely upon the investigational records, notes and results of any applicable tests as well as the witnesses' experience, education, training, observations at the scene/site of the subject incident and interviews with the parties and witnesses. These witnesses may use the records generated including measurements, calculations, photographs (if any) of the scene (including those taken by Plaintiff or Defendant or third-parties) and transcriptions of statements of third parties, if any, in the witnesses' testimony:

<u>NON-RETAINED EXPERT</u> <u>INVESTIGATING TROOPER AND AGENCY FOR</u> <u>SUBJECT COLLISION</u>
Texas Department of Public Safety and the Custodian of Business/Investigation Records Trooper Carlos Felix (14479) HP6A05 1617 E. Crest Waco, TX 76705 254-759-7148

These non-retained expert's opinions are believed to be contained in his or her records which are attached hereto. Plaintiff reserves the right to supplement his response to this request in accordance with the *Federal Rules of Civil Procedure*. In addition, Plaintiff hereby cross-designates any expert witness, retained or non-retained, identified by any other party to this litigation, by reference.